

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JULIAN KAHLON,

Plaintiff,

-against-

PROJECT VERTE INC.,

Defendant.

USDC SDNY
DOCUMENT
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DATE FILED: 2/11/2021

20-cv-3774 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On February 11, 2021, the Court held a conference in this matter. For the reasons the Court explained at the conference, IT IS HEREBY ORDERED that the requests of Project Verte, Inc. to quash the deposition subpoenas for Rubenstein and Isakov [ECF #45, 46] are DENIED. Counsel for Project Verte concedes that Rubenstein had some role in events that Kahlon alleges were related to his termination. That Rubenstein might assert that certain information is privileged is not a basis for refusing entirely to appear for a deposition. The Court also notes that, despite the representation of counsel for Project Verte that “separate letters” were submitted about its request to quash for each witness, a careful review of the docket reveals that Project Verte’s only arguments with respect to Isakov appear in the parties’ joint letter dated January 22, 2021 [ECF #45]. That letter asserts that Isakov “has no information that is relevant to this matter,” but Project Verte admits that Isakov was involved in “capital call notices” and is employed by a company that Kahlon alleges are relevant to the circumstances of his termination [ECF #45 at 2]. When nothing further was filed in support of the request to quash with respect to Isakov, the Court assumed the parties had resolved the dispute about that deposition consensually. In any event, because Protect Verte has not shown cause for the Court to quash the depositions of either Isakov or Rubenstein, its requests are denied. Moreover, because the parties

did not press any requests with respect to the deposition of non-party witness Aretz at the February 11, 2021 conference, the Court deems all such requests waived. As the Court warned at the conference, these depositions are to be used to gather information relevant to the issues in this case only. Attempts to examine the witnesses about information that is relevant only to other proceedings may result in sanctions.

IT IS FURTHER ORDERED that, by February 17, 2021, Project Verte shall submit the termination memo that the parties discussed at the conference *in camera*, along with arguments why it should not be required to produce the memo, in full, to Kahlon's counsel.

IT IS FURTHER ORDERED that, based on the Court's careful review of the arguments in the parties' letter dated January 27, 2021 [ECF #48], as well as the parties' representations at the February 11, 2021 conference, Kahlon's request to compel production of unredacted emails between himself and Rubenstein, as well as draft versions of settlements for which Kahlon has copies of the final agreements are DENIED.

IT IS FURTHER ORDERED that, by February 19, 2021, counsel for Project Verte shall file the amended answer, including only the changes previously discussed with Kahlon's counsel, in exchange for his consent to serve an amended response to Request for Admission No. 1 [*see* ECF #51].

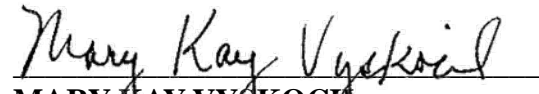
IT IS FURTHER ORDERED that, by February 17, 2021, the parties shall contact the Chambers of Magistrate Judge Netburn, in accordance with the instructions in her October 20, 2020 Order [ECF #26], to schedule a settlement conference.

IT IS FURTHER ORDERED that the deadline for fact discovery is extended to March 12, 2021. **No further extensions of time to complete discovery will be granted. Failure to comply with the Court's Rules and orders, as well as attempts unduly to delay the**

resolution of this case, may result in sanctions. The parties shall appear for a Post Discovery Conference on April 15, 2021 at 11:30 AM. The conference will be held by telephone. To join, call 888-278-0296 at the scheduled time. When prompted, enter Access Code 5195844.

SO ORDERED.

**Date: February 11, 2021
New York, NY**


MARY KAY VYSKOČIL
United States District Judge